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[*From the Democratic Review.*]

HARRY BLAKE.

A story of Circumstantial Evidence, founded on fact.

BY JOHN QUOD, ESQ.

[*Concluded.*]

CHAPTER III.

When Harry Blake was first imprisoned he bore stoutly up against his fate.—But stone walls, and close, pent up chambers, with their stifling stagnant air, and their murky twilight, are glorious inventions for mildewing the heart, and breaking down streqgth and hope; and they soon began to tell upon him. It might have been the loss of his accustomed exercise in the open air, or the want of the sight of the blue sky, and of his old home, or a dread of the fate which might become his, or,—and there were many who believed this.—it might have been the workings of his own evil conscience, that were making such wild work with him. But certain it is, that although when he was first confined he seemed right glad as the day approached, in which he would have the chance of meeting the charges against him in open court; yet as the time drew near, his spirits prooped; and it was observed, that the more often he conversed with his lawyer, the more gloomy he became; and that the very mention of the trial drove the blood from his cheek. It was observed, too, that after these interviews he walked moodily up and down the room, with his arms folded, and muttering to himself, as those do who have heavy burdens on their hearts, and that his face was pale and wasted, and his look troubled. At other times he remained for hours with his arms crossed on the table, and his forehead resting upon them, in such deep thought that he did not move when persons came in. There were many among his friends who attributed his changed appearance to his confinement, and mental anxiety as to the result of his trial, and still persisted in their belief of his innocence; but then there were those who thought otherwise, and who fancied that remorse had begun its work, and that as the day of retribution approached, Harry's bold heart which had hitherto borne him up, was failing him. They said it was an evil omen to see him sinking thus, and giving up as if he were already a doomed man; they did not like it—it seemed a harbinger of a darker fate.

Neither hope nor dread can hasten or protract the steady march of time; and in due time the day of trial arrived. It was a bright day in the autumn when skies are cloudless, and the fields and trees were clad in rainbow liveries. It was an idle time, too, in the country, and from far and near the inhabitants of town and hamlet gathered in to see the sight. A man with his life at stake, and struggling and battling for it, with so mighty and shrewd an adversary as *Law*. It was indeed a great sight. It was worth going miles to witness. Nor was it the less exciting that they knew the victim, and that many of them had hitherto admired his noble and upright character, and loved the man. But he had shed blood, and must pay the forfeit.

The court house was a venerable, old stone building, standing by itself, in the midst of a green lawn; and at some distance from any house. But its solitude was now broken by the hum of voices; for from every quarter people were pouring in; old and young, females and even children were there. Some were speaking on indifferent subjects; of the times; of the difficulties with England; of the state of the crops; and one old man, broken-down and tottering, of his fields—of what he intended to plant in them on the following year; and of young trees which he had set out; of the pleasure he anticipated, in sitting under their shade when they should become great, and tall, and overshadowed his house. "They were saplings now; but they would grow fast; and in a few years, would be quite shady;" and the old fellow laughed, and shook his head, and rubbed his hands, as he thought of it. In three weeks the soil was on his coffin; and when those trees were grown, they had passed into the possession of strangers; and the hands that planted them were dust.

Some were talking of the murder; and of Wickliffe; and of what a pest he had been to the country round, so quarrelsome; and what a pity it was that a fine young fellow like Harry Blake should have to die for having slain a man like him. Then they spoke of Mary Lincoln; and one of them lowered his voice, and said, that he heard that this was killing her. He had seen the doctor, who had been at Mr. Lincoln's twice a day, since Harry Blake's imprisonment, and he had said, that he was afraid it would go hard with her; she was very ill. Then the conversation was interrupted by the arrival of more new comers. In another part of the lawn, an old man was leaning on a cane, addressing a crony, who seemed as old and time-worn as himself.

"Ah! neighbor Williams," said he, "this is a very sad business—a very sad business. I knew his father before him; and I have known Harry since he was a baby—who'd 'a thought it of him?—who'd 'a thought it?"

Neighbor Williams shook his head; as much as to say, that nobody would have thought it; but seemed to think further expression of opinion unnecessary, for he said nothing.

"He was a warm-hearted little boy, and a very likely man—a very likely man," continued the first speaker. "It grieves me to see him here. It does, indeed, neighbor Williams."

Again neighbor Williams shook his head; probably to intimate, that it grieved him too; and as before he remained silent.

It is a matter of some uncertainty, how long neighbor Williams might have been thus entertained by his companion, had not their conversation been interrupted by a general buzz of "Here he comes!" The next moment, Harry Blake walked through the crowd, with an officer on each side of him. He was exceedingly pale; but his face was full of calm determination, and his step firm and strong. He looked neither to the right nor left; and, apparently without noticing a soul, entered the court house. The crowd gathered closely at his heels; and the next instant were striving and struggling and fighting to obtain a good position in the court room.

Harry Blake seemed quite collected; and the crowd felt somewhat disappointed, that a man who had committed a murder should look like other men. Some whispered that he was a hardened reprobate, not to show some remorse; and others said, that none but an innocent man could appear so calm and composed. There was a great deal of whispering and talking among them, whilst the jury were getting empannelled; but when the counsel for the prosecution rose to open his cause, they were so silent, that they seemed not even to breathe.

He dwelt briefly, but clearly, on the facts which are already known. He stated that he should prove that, on the day of the murder, the prisoner and Wickliffe had been together at a tavern, not far from Schenectady; that a quarrel had arisen between them, and blows had passed; that the prisoner had knocked Wickliffe to the floor; but Wickliffe had fled, and that the prisoner had only been detained from following by force, and had then called all there present to witness that he would be revenged on that man for the wrong done him, if it cost him his life that he had finally been released by those who held him, on promising not to follow Wickliffe, but that he had positively refused to promise that the quarrel should drop there.—That shortly afterwards he left the house alone, taking the path which Wickliffe had already taken; that two of the persons who had been at the tavern with him shortly afterwards left the inn and took the same road which he had taken; that on arriving at a very lonely part of it; they were alarmed by the cries of a person in distress, and uttering the words, "Mercy, mercy, Harry!" That these persons galloped to the spot from which the sound seemed to proceed, and found a man kneeling at the side of another just murdered, and grasping in his hand a knife, which was driven to the hilt in the breast of his victim; that the murdered man was Hiram Wickliffe, the person with whom the prisoner had just quarreled, and on whom he had sworn to be avenged, that the person kneeling at his side was Harry Blake, the prisoner. There were foot-prints about the road, where there had evidently been a struggle, and these foot-prints had been examined and compared with the foot of the prisoner, and were found to coincide in size.

He stated his case concisely, yet clearly, and seemed to think the facts sufficiently strong, to require but little exertion of eloquence or ingenuity on his part. It is needless to linger on the detail of the testimony confirming the case, which the lawyer had stated in opening. It was most clearly proved, although every effort was made, by a severe and strict cross-examination, to embarrass and confuse the witnesses.—It had been observed, when Walton and Grayson were called, that the prisoner became exceedingly paler and when Grayson swore that he saw him stab Wickliffe, he compressed his lips, as if a sudden pain had shot through him, and clenched his fingers together, and bent his head down; nor did he look up until Grayson had left the stand. The old man was terribly agitated, and his testimony was drawn from him by piecemeal. He tottered as he left the stand; and as he passed where Blake sat, he muttered in a low tone:

"I couldn't help it, Harry—indeed I couldn't; for it was the truth."

Blake looked painfully at him, but made no reply.

He had little or no defence to make.—He could not contradict the facts. An effort was made by his lawyer to prove his general good character, his amiable disposition, and the little probability of his being guilty of a crime like this. He felt a strong inclination to admit the murder, and to attribute it to a blow struck in the heat of anger in a renewal of the quarrel which had been interrupted at the tavern; but Blake had positively forbidden a defence of that nature, declaring that it was false; and that if he attempted to assert what was untrue, he would contradict him in the open court. And after a long and labored and hopeless speech, the lawyer sat down.

The reply of the counsel for the prosecution, and the charge of the judge, were both conclusive against him; and without leaving their seats the jury returned a verdict of—"Guilty" of Murder.

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CHAPTER IV.

When Mary Lincoln came to herself, she would have gone back to Harry Blake's cell; but her father was afraid that it would prove too much for her strength, and he persuaded her to defer it until the morrow, promising that if she were then well he would accompany her. She made but feeble objection, for she felt heavy-hearted and almost reckless. Her father led her down the steps, and placed her in his wagon, and they drove off. It was a gay sunshiny day; and parts of the road which they had to pass were thickly settled, and there were people scattered along it, and in the fields. The news of the murder, and of Harry Blake's arrest, had already got wind, and as they passed, those who knew them stopped to look at them, and shook their heads, and said, "that this day would be a sad one to some of old George Lincoln's folks; that it was a pity so heavy a blow should fall on one so young as she was—she was a mere child—God bless her!"

Mary Lincoln sat quietly by her father's side, not noticing those whom they met, nor speaking until she reached her home. Her father lifted her out of the wagon in his arms, and accompanying her up stairs, told her to be of good heart, and left her to herself. What a chaos of bewildering thoughts was in that young girl's brain as she threw herself upon her bed! how busy that little head was! how it teemed with hopes, and fears, and plans and schemes to aid Blake! how confident she was of his innocence, and that he would be acquitted, without a shadow upon his name? Hour after hour passed while she lay there. Once or twice the door opened, and her father, or one of the females of the family, looked in, and seeing her so quiet, supposed that she slept, and closing the door gently, went out.

Sleep came at last; but it was troubled and broken; and when morning dawned, she found a woman watching at her bedside, and learned that she was in a high fever. Still she made light of it, and got up; and although she felt sharp pains shooting through her limbs, and her head swimming, she contrived to dress herself, and to go down stairs. In vain the nurse remonstrated. She replied that she had promised to go to Harry Blake that day, and that she would keep her promise; but when she reached the hall, she tottered so, that was compelled to abandon her intention, for the prison was a long way off, and to admit that her strength was gone. Well, if she could not see him, she could write; and going to her own room and locking the door, she wrote a long letter. It was a very cheerful one, full of hope and gay anticipations, and of plans and projects to be carried into effect when should be once more free. And she had *so* much to show him, and *so* much for him to do then. She begged him to keep up his spirits, for he was sure to be acquitted. She felt very sanguine of that; and excepting that she could not see him every day, she felt no uneasiness as to the result, and was happy—quite happy. She folded the letter, sealed and directed it; and with her own hands gave it to the person who was waiting for it. She bade him, in a cheerful tone and with a bright smile, give it to Harry himself—to say that she was well—quite well, and in good spirits; that she had been unable to go to the prison that day, but would come to him to-morrow.—She waved her hand gaily to the man as he galloped off. Who would have thought that the poor little heart of her who was keeping up so brave a face was breaking, and that in a minute from that time, she was locked in her own room, with her face buried in her hands, shedding the bitterest tears she had ever wept in her life? What sad and dreary thoughts came over her then—fears like shadows, which she could not define nor grasp, seemed flitting around her, hemming her in on every side, until she felt that there was no hope left; and that he and she were parted for ever. Oh! how forlorn and helpless she would be if he were gone! How lonely the world would be, to live on, day after day, week after week, and months and years, and never see him again, nor hear his voice; and to know that he was in his grave; that as long as she lived, though hundreds might be about her, and love her, and do all that they could to make her happy, still that he would never be among them again. No, no! it could not be—it could not be. She felt that it would kill her.

The day passed heavily, and as night was closing in, an answer came from Blake; but it came to one whom it could not comfort, for Mary Lincoln was delirious.

Several weeks passed, and still she balanced between life and death; but one morning, the physician came down stairs from her, with a smile on his face. He said that his patient was decidedly better; she had little fever and was rational; only keep her quiet and calm, and she would do well.

It was a morning of great excitement to Mr. Lincoln, however, for it was that of Blake's trial. He had concealed this from his daughter, and had endeavored to encourage her hopes, but there was something in his subdued manner and his attempts at cheerfulness, as he spoke that morning of herself and Harry, and put aside the curtain of her bed and pressed his lips to her sunken forehead, and whispered her to keep up her spirits and all would be well, which made her feel more dispirited than ever.

It was late in the afternoon, that George Lincoln was sitting in the hall, when he heard a horseman galloping in hot haste up the lane. He had not dared to leave his daughter that day; but a friend who attended the trial had promised to send him immediate word of the verdict, so that, whatever, it was, he might divulge it carefully to his daughter. He started up and hurried to the door; as he did so, the horseman dashed into the yard, and at the top of his voice bawled out:—

"They've found Harry Blake guilty of murder, by God!"

The old man shook his hand at him, and made signs for him to be quiet; and fearful that his words might have reached his daughter, without waiting to hear the particulars, hurried up to her room; and there he saw what made him through life a sadder man than he had had ever been before; for, stretched on the floor, directly under the window, to which she had evidently been attracted by the arrival of the horseman, his daughter lay. A thin stream of blood was trickling from her mouth, and her eyes were closed. He caught her in his arms—a faint struggling breath escaped her lips. He thought, too, that she murmured the name of Harry Blake; but it might have been fancy, for her breath ceased, and when the loud cries of her father had brought to his assistance other members of the household, there was nothing to be done, but to lay on the bed the lifeless body of her who had been the pride of that old man's heart!

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CHAPTER V.

On the night preceding the execution, in the bar-room of the Blue Horse, were assembled half a-dozen men, most of whom had been there at the time of Blake's quarrel with Wickliffe. A dull and melancholy group they were. It might have been the absence of the jolly face and merry voice of old Garret Quackenboss, who was gone to Albany, to lay in a stock of substantials, to keep up the well-known gastronomic character of the Blue Horse; or it might have been the great size of the bar-room, with its murky corners, whose darkness was scarcely relieved by the dim light which flickered up from a dying fire, aided only by the sickly flame of a single candle; or it might have been the approaching end of one who had so lately been among them, that had this chilling effect on their spirits. But certain it is, that rarely had the bar-room of the Blue Horse contained so dull a party.

Somehow or other, they had gradually drawn close to the fire, and as the night had closed in, and the wind railed about the old house, their conversation had assumed a sombre character, and they whispered in each others' ears, strange stories of robberies, murders, midnight assassinations, and even of ghosts; and on this subject one of them was positive, having had a private ghost in his own family for years—an aunt in the fourth degree, by the mother's side, who haunted a hen-house on his father's place; and what was remarkable, after her last visitation, ten eggs, and the old game-cock, the patriarch of the barn-yard, were missing; showing that ghosts were partial to eggs, and not particular as to the age of poultry. Another of them mentioned in a confidential way to the whole company, that his grandfather had walked a mile, in a dark wood, one very stormy night, in company with a ghost, which behaved in a very civil and gentlemanlike manner; so much so, that the old gentleman up to the day of his death asserted, that ghosts were a very ill-used class of beings, and that, for his part, he wished that many people who pretended to be their betters only were as good as they were. From this topic the conversation gradually wandered off to Harry Blake and his trial, and his approaching death.

"Don't you think they might pardon him?" inquired Caleb Grayson, who was one of the party, and who had been sitting among them, without taking any part or showing any interest in their conversation, until it touched upon the subject of Blake's execution; but then he seemed keenly alive to it, and with his features working with intense anxiety, he repeated his question: "Don't you think they *might?* I wish they would. Do tell me, some one. What do you think?"

I heard that Mary Lincoln's father did his best for him, but it was of no use," replied one of those addressed. "But you must not grieve about it so. You couldn't help being a witness against him. Even Harry said so himself."

The old man's face brightened, and something like a smile passed over it, as he id: "Did Harry say so? Well, I'm glad of that, I'm glad of that; for it makes me very sad when I think that it was I and Walton who put him where he is—indeed it does."

"It was no fault of yours," said the man, "and you mustn't let it trouble you. I'm sure I should have done as you did. Ah! here comes some one."

The last words were called forth by the sound of a horse clattering up to the house. Then the loud voice of a man was heard bawling out for some one to take his horse; and in a few minutes a tall man, unknown to them all, entered the room, with a short whip in his hand. There was little in his features, or the appearance of his person, to encourage familiarity; for his complexion was swarthy and sallow, and his expression anything but prepossessing; and his dress was coarse and soiled, as if from hard travel.

He paused a moment, and looked about him as he entered the room; and then striding across it, drew a chair directly in front of the fire, in in the midst of the astonished group, and held his feet to the blaze.

"A threatening night, friends," said he at length addressing them.

There was something in the stern sinister eye of the man, and his haggard, repulsive face, which gave a monetary check to the conversation, and no one answered him, but he went on,

"Go on, don't let me stop talk. On with you. I want to break in on no man's humor. I've an odd humor of my own; for I've heard that there's a man to be hanged to-morrow, and I've come fifty miles to see it. I was at the trial, and now I'm come to see if he'll wear the same bold face when he dies that he did then."

"So you were at the trial?" said Caleb Grayson, who was leaning with his elbow on the table, and his cheek resting on the palm of his hand, and looking gloomily in the fire.

"Ay, I was, my man," said the stranger bluntly; "and I saw you there. You were the witness who swore that you saw him stab Wickliffe. I was at your elbow at the time. Your testimony did for him."

The old man half started from his seat, and turned exceedingly pale, at the same time pressing his hand across his eyes. At last he said, in a low agitated voice;

"What could a man do? I was forced to go, and my answer was on oath. I *did* see him stab him—I'm sure I did."

"*Then*, of course, it was all right. For my part, I'm glad he's to hang. I shall be glad when he's out of the way. Had I been on the jury, and known only what you stated, I would have brought in the same verdict."

The old man looked at him sharply, as he asked: "What do you mean? What else do you know?"

"Know!" repeated the stranger, looking carelessly up, and drumming with his whip upon his boot. "Nothing. What could I know? You saw him murder the man, didn't you! You swore to that. I should think there was little more to be discovered."

"True, true," replied the other. "Yet this is a strange story of Harry's and even now he persists in it, and in asserting his innocence. Poor fellow! I always loved that boy as my own child.—I, I who have brought him to this end. Poor little Mary Lincoln, too! it has killed her.—Thank God, she is in her grave. It's better for her."

"Of course he'll insist to the last that he is not guilty," said the stranger.—"There's always two ways of dying.—Some confess, and throw themselves on the mercy of the law. Others keep their mouths tight, and accuse it of injustice to the last. The first hope for pardon, thro' its clemency. The last hope it, through the fear which every man has of shedding innocent blood. He's one of the last. He bears it boldly, I'm told."

"Harry Blake is no coward," replied Grayson. "He says he's ready to die; but that he's innocent. The love of life must be strong in him, for until now I never thought that he would lie, even to save his life. But he is not innocent—no—no, he is not; for I saw him do it—I saw him. The love of life is very strong. It must be, or Harry Blake would not lie."

A slight, sneering smile flitted across the face of the stranger, as he turned from the speaker, and looked among the dull embers of the fire, without speaking. It was a dim, dreary room, and its distant corners were lost in darkness; and the frame of the stranger, as he sat between the andirons, threw a gigantic, spectral shadow on the wall, that seemed to have something ominous about it, and taken in connection with the gloomy nature of the conversation, and the cold indifference of the stranger, and his wild, forbidding air, seemed to have thrown a chill on all about him. For he sat there, buried in deep thought, with his eyebrows knit, and his lips working, as with suppressed emotion, those who had hitherto hugged the fire began slowly to widen the distance between themselves and their ill-omened visiter; to scan his person, as if there were more in it than met the eye, and to watch his tall shadow on the wall, as if there were something about it more than appertained to shadows in general. Still they spoke not, until the object of their solicitude, as if concluding a long mental discussion, drew a heavy breath, and rising, said:

"Well, let him die. It's as well. Others have died in the same way."

Turning to a sort of under-barkeeper, who officiated in the absence of Garret, he said: "See to my horse, will you? And now show me to my room, and wake me at sunrise. I shall not breakfast here."

Those collected about the fire watched him as he followed the attendant out of the room, and shut the door after them.

"What do you think of that man, Mr. Tompkins?" said one of them to a small man in an ample vest and contracted small-clothes.

"Come, come, none of that," said the small man, with an air of suspicious stubbornness. "Don't be trying to make me commit myself by asking questions." As he spoke he fixed his eyes obstinately on his own finger nails—not that they were particularly clean or ornamental.

"Can't you speak your own mind man!" said the other pettishly.

Still the small man ogled his nails.

"Well, then," said his companion, "I'll tell you what I think. I think," said he, sinking his voice, and placing the back of his hand to the corner of his mouth, by way of indicating the extreme confidence, "I think he won't be drowned."

"Ah!" said the small man, "if that's all, I think so myself."

And having settled this matter to their mutual satisfaction, they rose to go, a motion in which they were followed by all except Caleb Grayson, who, long after they were gone, and the room was silent and deserted, sat there, with a heavy heart at the part which law had forced him to take in the legal murder which was to take place on the morrow. At last he started up as if a sudden thought had struck him, and finding his way to the stable, saddled his horse and rode off.

It was a dark night. Black clouds were drifting across the sky, obscuring it, and together with the tall trees and forests which in places overhung the road, rendering it pitchy dark. In defiance of the threatening look of the sky and the obscurity of the road, the old man kept steadily on for several hours, neither pausing to rest his beast nor to refresh himself, until it was broad daylight when he arrived at a large wooden building. Stopping for the first time, he fastened his horse to the gate, and crossing a small yard, ascended a flight of steps and entered the hall.

A guard was pacing up and down there; and near him, on a wooden bench, sat an old man reading a worn-out Bible.

"Can I see Blake?" demanded Grayson of the old man.

"Yes, yes, I suppose you can," replied he, putting aside his book; "I've orders to admit his friends—a sad business—a sad business—and he the flower of the country round. Ah, neighbor Grayson, who would have thought it!"

Caleb Grayson made no reply to the remarks in which the old man indulged, until he opened the door of the room or cell, and pointed to Blake, seated at a small wooden table within.

Blake rose as the old man entered, and extended his hand to him.

"This is kind, Caleb," said he, "I was afraid that you alone, of all my friends, would not call to see me; for I know what you think of me."

"Ah! that's the reason, Harry, that I could not come," replied the other sadly. "I knew that I had brought you to this, and I could not bear to come and look at my work."

"Well, well, it's all past, and God knows I've little to live for now—poor Mary—she's gone—no matter, no matter;

[*Continued on 4th page.*]